

REMARKS

Reconsideration and allowance of the Claims in the application are requested.

Claims 1-39 are in the case.

The Abstract has been objected to as containing more than one hundred fifty words.

Claims 7, 30 and 37 have been objected to because of informalities.

Claims 1-5 and 10-12 have been rejected under 35 USC 103(a) as unpatentable over USP 5,282,362, Murphy et al., issued August 28, 2001 and filed October 10, 1997 (Murphy) in view of USP 6,463,426 B1 to P.R. Lipson et al., issued October 8, 2002, filed October 26, 1998 (Lipson).

Claims 6-9 have been rejected under 35 USC 103(a) as being unpatentable over Murphy, of record in view of Lipson, of record and in further view of USP 6,222,449 to R. F. Twining issued April 24, 2001, filed July 21, 1997 (Twining).

Claims 13-20 and 23-27 have been rejected under 35 USC 103(a) as unpatentable over Murphy, of record in view of Twining, of record and in further view of Lipson, of record.

Claims 21-22 and 28-29 have been rejected under 35 USC 103(a) as unpatentable over Murphy, of record in view of Twining and Lipson, both of record and in further view of USP 6,085,185 to Matsuzawa et al., issued July 4, 2000, filed July 3, 1997 (Matsuzawa).

Claims 30-36 have been rejected under 35 USC 103(a) as unpatentable over Murphy, of record in view of USP 6,463,463 to J. Godfrey et al., issued October 8, 2002, filed May 29, 1998 (Godfrey).

Claims 37-39 have been rejected under 35 USC 103(a) as unpatentable over Murphy, of record in view of Godfrey, of record, and Lipson, of record and in further view of USP 6,141,666 to W.J. Tobin, issued October 31, 2000, filed January 21, 1997 (Tobin).

Applicants have amended the specification to correct informalities and provided a revised Abstract that does not exceed one hundred fifty words. No new matter is included in the Abstract. Claims 1, 2, 9, 11, 13, 16, 21, 22, 24, 25, 27 – 33, and 36 – 38 have been amended to correct informalities or to clarify the invention with respect to the prior art.

Before responding to the rejections Applicants would like to distinguish the cited art (Murphy, Lipson, Twining, Godfrey, Matsuzawa et al. and Tobin) from the present invention (Stern), as follows:

1. Murphy discloses a geographical position image capturing system, which receives and stores a digital image in a digital data recorder. The position detector generates position information through a plurality of location determination signal sources. A separate processor unit stores the stored image data and the position information in different portions of a memory. A viewer views the stored digital image data in relation to a geographically addressed map in separate windows of a display. Murphy fails to disclose elements of Stern, as follows:

A. Murphy discloses displaying a first image with relation to a second image containing map features such as streets, buildings, outlines text and other structures corresponding to the location of the first image. Col. 10, Lines 30-32. In contrast, Stern discloses integrating together a textual description of a site for download to a PC along with the picture, location and environmental conditions of the picture. Page 6, lines 23 and continuing to page 7, line 2. Murphy fails to disclose storing and integrating together descriptive text related to the image.

B. The Examiner acknowledges that Murphy fails to disclose means for selecting and correlating a descriptive text with the image of the geographical location.

C. Murphy discloses recording the position information separately at the time the digital image of the selected view is recorded and storing them for future use. In contrast, Stern discloses the image; geographical location and descriptive text are combined together in a medium. Page 7, lines 2-5. Murphy fails to disclose including a descriptive text of an image in a medium.

D. Murphy discloses the GPS antenna and DGPS antenna communicating positions and position error correcting information to the digital data recording unit 102. In contrast, Stern discloses processing the image by an external device on an Internet connection established between the digital camera and a PC. Page 2, lines 5-8. Murphy fails to disclose communicating the recorded image with or without related geographic location and descriptive text to a network.

2. Lipson discloses an image processing system, which can rapidly match a primary image to a target image. The processing system includes one or more feature modules that provide information necessary to describe how to optimize image match/search routines. The similarity between the primary image and the target image is computed and compared to other computations in the selection of target images that best match the primary image. Each image is described in a separate text field. The text field includes a textual description of the image adjacent to the image Col. 25, lines 21-27. Lipson fails to disclose elements of Stern, as follows:

A. Lipson discloses stored images and text in adjacent windows for comparison with a target image. In contrast, Stern discloses a table of text descriptions of images where the user selects and collates the image with the description text at a geographical location. Lipson fails to disclose selecting and correlating the descriptive text of an image at a geographical location.

3. Twining discloses a portable recording device for electronically recording relevant information related to fishing conditions. The device includes sensors for detecting and recording environmental conditions for fishing locations. Twining fails to disclose elements of Stern, as follows:

A. Twining discloses storing data at a remote location for transfer to a personal computer in creating a personal log of the user's ongoing fishing activities. Col. 6, lines 40-43. In contrast, Stern discloses storing the environmental conditions related to an image in a medium. Twining fails to disclose storing environmental conditions in a medium, for example, a picture.

4. Matsuzawa discloses a thumbnail image annotation obtaining process. A CPU selects from a part of a time code range designated by an annotation range designation key to obtain the thumbnail image. A user presses the key and decides whether to obtain the image from the head frame of the time code range or from the user designated position other than the head frame. When the thumbnail image is obtained from the head frame of the time code range, the CPU makes a reduced still image from the video frame of the time code value using the in-point time code value and writes it in the thumbnail image file. Col. 9, Lines 24 – 34. Mitsuzawa fails to disclose elements of Stern, as follows:

A. Mitsuzawa discloses obtaining thumbnail images from a multimedia database based on time codes. In contrast, Stern discloses obtaining thumbnail images related to geographical location coordinates from a remote data processing system and recording the related thumbnail image in a medium. Page 11, lines 6-19. Mitsuzawa fails to disclose storing a thumbnail in a medium based upon geographical location coordinates.

5. Godfrey discloses a redirector program operating at the host system enabling a user to redirect or mirror certain user-selected data items from the host system to the user's mobile data communication device upon detecting one or more user-defined triggering events. The host system includes various subsystems that can be configured to create triggering events, such as a screen saver subsystem or a keyboard subsystem for repackaging a user's data items for transparent delivery to the mobile device. The re-director program operates in connection with the event generating applications and repackaging system at the host system to configure and detect a particular user defined event and then to repackage the calendar event message in an electronic wrapper prior to pushing the data time to the mobile device. Godfrey fails to disclose elements of Stern, as follows:

A. Godfrey discloses a host sending a meeting request via a redirected application when a request is received at the host. In contrast, Stern discloses a terminal generating a message to a host to obtain images from the host according to geographical location coordinates. Godfrey fails to disclose a terminal generating a message to obtain images from a host according to geographical coordinates.

6. Tobin discloses a network server for marketing consumer services by dynamically presenting HTML documents that are customized with content indicative of existing brand names from many areas. The server presents HTML documents responsive to requests received by the server means across the network to the clients, as websites documents. The documents are partially customized in response to an identity source, which referred the client to the network server. A database dynamically configures data stored in the network server in response to identify the source that referred the client. Processing means manipulates motor means, server means and database means to cooperate and present HTML documents to the client. Tobin fails

to disclose elements of Stern, as follows:

A. Tobin discloses an image map, which provides hypertext links to website pages including images. In contrast, Stern discloses images stored in a host based on geographical location coordinates for a subsequent installation in an electronic message. Tobin fails to disclose advertising messages generated by a terminal.

Summarizing, Murphy, as modified by Lipson, Twining, Matsuzawa, Godfrey and Tobin, fails to disclose or suggest a device for recording images including geographical locations; related descriptive text and environmental conditions in a medium (picture) or a network providing images, descriptive text for a geographical location.

Now turning to the rejections, Applicants provide responses to the indicated paragraphs, as follows:

REGARDING PARAGRAPHS 1/2:

A revised Abstract not exceeding 150 words has been provided. no new matter is included in the Abstract.

Entry of the Abstract and withdrawal of the objection to the Abstract is requested

REGARDING PARAGRAPH 3:

Claims 7, 20 and 37 have been corrected to overcome the objections of the Examiner.

Withdrawal of the objections to Claims 7, 20 and 37 is requested.

REGARDING PARAGRAPHS 4/5:

Claims 1 – 5 and 10 – 12 include elements not disclosed or suggested in Murphy in view of Lipson, as follows:

A. Claim 1:

(i) “means for storing and accessing descriptive text related to the image at the geographical location”

Murphy discloses, at col. 10, lines 22-32, a map, which displays map features such as streets, building outlines and other structures. The text is not descriptive of the image. Lipson fails to disclose text related to the image at a geographical location text. Col. 24, lines 55-58. In contrast, Stern discloses storing and accessing descriptive text related to an image at a geographical location. Page 6, line 23, continuing to Page 7, line 8. Also, Page 8, line 22, continuing to page 9, line 7. Murphy and Lipson fail to disclose storing and accessing descriptive text related to an image at a geographical location.

(ii) “means for selecting and correlating descriptive text with the image at the geographical location;”

The Examiner acknowledges that Murphy fails to disclose the foregoing elements. Lipson also fails to disclose selecting and correlating the descriptive text with the image at a geographical location. In Lipson, the text in Fig. 12A and at col. 25, lines 21-45, describes associated images, not related to a geographical location.

(iii) “means for recording an image related geographical location and descriptive text in the medium;”

Murphy discloses at col. 19, line 65, through col. 20, line 10, binding together the digital image and the position information for future use by a playback unit incorporating the image viewer with stored digital image data. In contrast, Stern discloses incorporating the image with related geographical location and descriptive text within the device as a picture. Page 6, line 23, continuing to Page 7, line 8. Murphy fails to disclose recording an image, related geographical location and descriptive text in the medium (picture).

(iv) “means for communicating the recorded image with or without related geographical location and descriptive text to a network.”

Murphy discloses, as col. 15, lines 2-7, the GPS antenna 400 and the DGPS antenna 410 communicate position and position error correction information to the GPS receiver 282 and DGPS 360 within the camera to automatically update the geo position of the system. Applicants can find no disclosure in Murphy of communicating a recorded image with or without related geographical location and descriptive text to a network.

Summarizing, Murphy and Lipson, alone or in combination, fail to disclose the items (i)...(iv) described above and without such disclosure, there is no basis for a worker skilled in the art to implement claim 1. The rejection of claim 1 under 35 USC 103(a) fails. Withdrawal of the rejection and allowance of claim 1 are requested.

B. Claim 2:

(i) “data processing means responsive to control means for receiving and converting optical information of the image and correlating location and environmental information with the contents of the image into compressed digital form for storage in the memory.”

Murphy discloses at col. 6, lines 31-36, an image processing device for converting pixels into bits and creating a digital image stored in a digital image audio recording device. In contrast, Stern discloses a data processing system responsive to control means for directing a data processing system to capture the image and direct the location and environmental control logic in correlation with the contents of the image. Page 7, line 21, continuing to page 8, line 3. Murphy fails to disclose data processing means for correlating location and environmental information with the contents of the image. In any case, claim 2 limits claim 1 and is patentable on the same basis thereof.

C. Claim 3:

Claim 3 further limits claim 1 and is patentable on the same basis thereof.

D. Claim 4:

(i) “an interface to a database responsive to a user for selecting the stored descriptive text related to the object of interest recorded in the digital image.”

Lipson, at col. 25, lines 21-45 describe a textual description of an image. The image is stored in one portion of the memory and the text field associated with the image is stored in a different portion of the memory. The text is not recorded in the image and record. In contrast, Stern discloses an interface or network connection between the digital camera and a PC having Internet connectivity. The user is prompted to choose an editing mode enabling the user to access the server for stored image locations, coordinates, etc. The user can select the description associated with the image and environmental conditions at the location. Page 10, lines 5-22. Lipson fails to disclose an interface enabling the user to select the text and record in the image. In any case, claim 4 further limits claim 1 and is patentable on the same basis thereof.

E. Claim 5:

(i) “means for correlating the descriptive text with the object of interest and recording in a medium”

Murphy at col. 9, lines 45 – 61 describes a recording controller controlling the sequences and timing of the capture and recording of the object image and audio data. As previously discussed in claim 1, there is no disclosure relating to correlating the descriptive text with the object of interest and recording in a medium. In any case, claim 5 further limits claim 1 and is patentable on the same basis thereof.

F. Claim 10:

Claim 10 further limits claim 1 and is patentable on the same basis thereof.

G. Claim 11:

(i) “a terminal coupled to the network and responsive to a user input to obtain, select, display and record the stored image of the object of interest with or without geographical location and descriptive text in the medium.”

Murphy at col. 6, lines 31 – 36 describes image data is immediately available in real time and can be processed by a PC. As discussed in connection with claim 1, there is no disclosure in Murphy or Lipson, alone or in combination, enabling a user to obtain, select display and record the stored image of the object of interest with out without geographical location and descriptive text in the medium. In any case, claim 11 further limits claim 1 and is patentable on the same basis thereof.

H. Claim 12:

(i) “means in the terminal for editing the image to include the related geographical location and descriptive text.”

Murphy at col 4, lines 26 – 37 discloses protecting an image. As discussed in claim 1, there is no disclosure in Murphy or Lipson, alone or in combination, for editing the image to include the related geographical current location and descriptive text.

REGARDING PARAGRAPH 6:

Claims 6-9 include elements not disclosed in Murphy in view of Lipson and in further view of Twining, as follows:

A. Claim 6:

(i) “environmental sensing means for collecting and storing environmental conditions related to the image for recording in the medium.”

Neither Murphy nor Lipson describe collecting and storing environmental information related to an image for recording in a medium. Twining does not supply the missing element in Murphy and Lipson. Twining collection stores environmental information for recording in a repository, not a medium (picture) In any case, claim 6 further limits claim 1 and is patentable on the same basis thereof.

B. Claim 7:

(i) “environmental sensing means for collecting and storing environmental conditions related to the image for recording in the medium.

Twining at col. 2, lines 31-38, discloses storing data in the unit’s memory to create a personal log of a user’s fishing activities exchanging information with a central repository, such as network server either through a connection with a personal computer or from the remote data gathering location. Twining stores data, not descriptive text of an object of interest. Likewise, Murphy and Lipson fail to disclose a server responsive to the image device

for storing descriptive text of objects of interest. In any case, claim 7 further limits claim 1 and is patentable on the same basis thereof.

C. Claim 8:

(i) “wireless means for connecting and providing to the network the geographic location and conditions of the object of interest stored in the memory for processing and recording in a medium by the network. “

Murphy at col. 19, lines 29-32 discloses a GPD receiver linked to a satellite system and receiving signals from GPD intent via a cable link or a wireless link as a part of a positioning determining system. The Applicants can find no disclosure in Murphy of wireless means used to provide geographic location and positions of object of interest for recording in a in a medium by the network. In any case, claim 8 depends upon claim 1 and is patentable on the same basis thereof.

D. Claim 9:

(i) “a terminal coupled to the network and responsive to a user to obtain, display and record the geographical location and descriptive text in the medium. “

Murphy at col. 6, lines 31-36 discloses a PC, workstation, video player for displaying the image. There is no disclosure in Murphy displaying and storing the geographical location with descriptive text in the medium. In any case, claim 9 further limits and claims 1 and 7 and is patentable on the same basis thereof.

REGARDING PARAGRAPH 7:

Claim 15-20 and 23-27 include elements not shown or suggested in Murphy in view of Twining and in further view of Lipson, as follows:

A. Claim 13:

Claims 13 describes claim 1 in method form and is patentable over Murphy and Lipson for the same reason indicated for claim 1. Twining does not disclose storing environmental conditions in the medium.

Without a disclosure in Murphy, Lipson and Twining, alone or in combination, relating to storing and accessing descriptive text of a plurality of objects of interest related to the digital image at a geographical location and selecting and associating the descriptive text with the digital image of the geographical location, there is no basis for a worker skilled in the art to implement claim 13. The rejection of claim 13 under 35 USC 103(a) fails. Withdrawal of the rejection and allowance of claim 13 are requested.

B Claim 14:

Claim 14 further limits claim 13 and is patentable on the same basis thereof.

C. Claims 15 & 25:

Claims 15 and 25 further limit claims 13 and 24, respectively, and are patentable on the same basis thereof.

D. Claim 16:

(i) “selecting the stored descriptive text related to the object of interest at the geographical location to be recorded in the digital image.”

Lipson, at col. 25, lines 21-45 describes an image data field including a textual description of the image. The textual description of the image is fixed. There is no disclosure in Lipson related to selecting a stored descriptive text related to the object of interest at the geographical location to be recorded in the digital image. Images and text go together. There is no separate selection of text for different images. In any case, claim 16 further limits claim 13

and is patentable on the same basis thereof.

E. Claims 18 & 26:

(i) “selecting the stored descriptive text related to the object of interest at the geographical location to be recorded in the digital image.”

Murphy, at col. 6, lines 31 and 36, described a remotely located device for processing an image. In contrast, claims 18 and 13 describe a camera device accessing the remote processing system for recording the digital image with geographical location and descriptive text in the medium.

F. Claims 19 & 27:

Claims 19 and 27 further limit Claims 13 and 27, respectively and are patentable on the same basis thereof.

G. Claim 20:

(i) “connecting and providing to a network the image, geographical location, and environmental conditions of the object of interest stored in the image-collecting device. for processing and recording in a medium by the network.”

Murphy, at cols. 9, lines 45-68 describe a camera or a recording unit including a controller for controlling the sequence and timing of the capture recording of the image and audio data. The recording unit also includes means to record the time and the capture of the image, which is associated with a geographical location at the time enabling the digital object image data and digital audio data to be stored with respect to a geographically addressed map for video playback. Murphy does not disclose accessing the remote processing system and correlating and recording the digital image with the geographical location and descriptive text in the medium.

Lipson at col. 24, lines 52-64, discloses retrieving a primary image and text and other images are retrieved with at least one common word associated with the primary image for matching of visual similarity. Applicants can find no disclosure in Lipson or Murphy relating to accessing a remote processing system and correlating digital images with the geographical location and descriptive text for a medium.

H. Claim 23:

(i) “editing the image to include the related geographical location and descriptive text.”

Murphy, at col. 4, lines 26-37, discloses detecting an image transmitted over communication channel, whether continually or periodically transmitting information. Applicants can find no disclosure in Murphy relating to editing the image to include related geographical location and descriptive text.

I. Claim 24:

Claim 24 describes claim 1 in program product form and is patentable on the same basis thereof.

REGARDING PARAGRAPH 8:

Claims 21-22 and 28-29, include elements not disclosed or suggested in Murphy, in view of Twining and Lipson and in further view of Matsuzawa, as follows:

A. Claim 21:

(i) “storing thumbnail images related to objects of interest in the remote data processing system according to location coordinates.”

Matsuzawa, at col. 8, line 63, continuing to col. 9, line 13, discloses a thumbnail image obtaining process for recording in a management table. Applicants can find no disclosure in Matsuzawa related to storing thumbnail images according to geographical location coordinates.

Matsuzawa, at col.10, lines 23-31, discloses a CPU obtains the object ID, checks the object ID of the media object table and obtains the location information of the media object. Applicants can find no disclosure in Matsuzawa relating to storing the thumbnail images according to geographical location coordinates.

B. Claim 22:

(i) “receiving a thumbnail image related to the geographical location coordinates from the remote data processing system; and recording the related thumbnail image in the medium.”

Matsuzawa, at col. 8, line 62 through col. 9, line 13, does not describe recording thumbnail images in a medium based upon geographical location coordinates, as discussed in connection with the response to claim 21.

C. Claim 28:

(i) “program instruction in the medium for accessing thumbnail images of objects of interest in the remote data processing system according to geographical location coordinates.”

Matsuzawa, at col. 10, lines 15-21, discloses a thumbnail extracted and a user selects an annotation object and designates a resultant audience play. The CPU obtains the optical ID; checks the object’s ID in a media object management table and obtains the location information of the media object. Applicants can find no disclosure in Matsuzawa relating to

accessing thumbnail images according to geographical location coordinates.

D. Claim 29:

(i) “program instruction in the medium obtaining and inserting a thumbnail of an object of interest according to geographical location coordinates and storing in a medium.”

Matsuzawa in Fig. 12-13 and col. 8, lines 1-3, discloses a thumbnail image annotation obtaining process based upon the user-designated position. A CPU is started to attain the time code of a user-designated video frame to produce a still image from the video frame of the time code and writes it in a thumbnail image file. Col. 9, lines 35-43. Applicants can find disclosure in Matsuzawa relating to inserting a thumbnail in a medium related to geographical location coordinates.

REGARDING PARAGRAPH 9:

Claims 30-36 include elements not disclosed or suggested in Murphy in view of Godfrey and in further view of Lipson, as follows:

A. Claim 30:

(i) “means for accessing images stored in a network according to geographical location coordinates”

Murphy, at col. 7, lines 49-57 discloses a recording unit including a recording controller for controlling the sequence and timing of the capture of an object and image data via a digital audio/image data loading connections. The connections 198 and 199 are configured to transfer the audio image data and position data by means of a download unit 182 into the playback unit. Alternatively, the connection 198 and 199 could incorporate a data modem in convention phone lines or cellular phone contact to contact to a receiving modem and computer

located in the download unit. Col. 10, lines 13-15 and col. 12, lines 34-37. Applicants can find no disclosure in Murphy relating to a network server linked to a terminal via a network, as shown in Fig. 1 and described at page 6, line 11, continuing to page 7, line 8. Murphy fails to disclose processing images stored in the network according to geographical location coordinates.

(ii) “means for obtaining images from the network according to geographical location coordinates;”

Lipson, at col. 7, lines 10-19, discloses an input system 14 including a network connection 14E to retrieve images from an image storage device for comparison of a query image to each of the images in the storage device. The image processing system computes a score indicative of the closeness of a match to the query image. Applicants can find no disclosure in Lipson related to obtaining images in the storage device by geographical location coordinates.

(iii) “means for incorporating in an electronic message at least one of the images obtained from the network”

Lipson, at col. 25, lines 21-45 and Fig. 12A discloses an image data field, including a text field as a query image for comparison with a primary image. Applicants can find no disclosure in Lipson relating to incorporating an image in an electronic message transmitted over the network. The image processing system only receives images and does not transmit images back to the storage device in an electronic message.

B. Claim 31:

(i) “The system of Claim 30 wherein the geographical location coordinates provided to the network are the geographical location coordinates of the terminal creating the message.”

Murphy, at col. 10 lines 37-40, discloses first and second images in an image field, including icons corresponding to the geographical location of the corresponding images at the time the image is recorded by the recording unit. Applicants can find no disclosure in Murphy relating to providing the geographical location coordinates for the network. In any case, claim 31 further limits claim 30 and is patentable on the same basis thereof.

C. Claim 32:

(i) “The system of Claim 30 wherein the location coordinates are established at the completion of the creation of the electronic message.”

Murphy, at col. 11, line 66 to col. 12, line 11, discloses transferring the image data from the recording unit to a playback unit via download connections 198 and 199. Applicants submit that the downloading of data from the recording unit to the playback unit is not electronic messages via a network, e.g., the Internet. Page 10, lines 7-11.

D. Claims 34 & 35:

Claims 34 & 35 further limit claim 30 and are patentable on the same basis thereof.

E. Claim 36:

Claim 36 is the method form of claim 30 and is patentable on the same basis thereof.

REGARDING PARAGRAPH 10:

Claims 37-39 include elements not disclosed or suggested in Murphy in view of Godfrey and Lipson and in further view of Tobin, as follows:

A. Claim 37:

(i) “The method of Claim 36 wherein the obtained images are provided as part of advertising.”

Tobin discloses, at col. 7, lines 55-67 and Fig. 4, a website page accessible via a hypertext link from the home page. The Home Page Website includes a category image map, including hypertext links, which provide jumps to other website pages. Applicants can find no disclosure incorporating the website page within a message. Tobin fails to supply the elements of claim 37.

B. Claim 38:

(i) “The method of Claim 36 further comprising the step of:
offering the images in a prioritized manner based on the amount of payment associated with each image.”

Tobin discloses in Figure 3 various website pages providing information on purchase options available through hypertext links. Applicants can find no disclosure in Tobin relating to offering the images on a prioritized basis according to the amount of payment associated with the image.

C. Claim 39:

(i) “providing the sender of an electronic message an incentive to include an advertising image in the message.”

Tobin, at col. 13, lines 24-31 describes an order page providing pricing incentives, discounts by percentage for a fix dollar amount. Applicants can find no disclosure in Tobin relating to an incentive for including an advertising image in the message. Tobin discloses transmitting website pages and not electronic messages including images. In any case, claim 39

further limits claim 36 and is patentable on the same basis thereof.

Summarizing, claims 36-39 describe electronic messages transmitted over the network, e.g., the Internet, including images obtained from the network and stored by geographical location coordinates and being offered to users in a prioritized manner, based on the amount of payment associated with the image or offering an incentive to include the image as an advertisement in an electronic message. Murphy, in view of Godfrey and Lipson, and in further view of Tobin, fails to disclose the foregoing elements and without such disclosure, there is no basis for a worker skilled in the art to implement claims 36-39. The rejection of claim 36-39 under 35 USC 103(a) fails for lack of support. Withdrawal of the rejection of claims 36-39 and allowance thereof are requested.

REGARDING PARAGRAPH 11:

Applicants has reviewed USP 6, 085,195 to Hoyt et al. and USP 6,292,595 B1 to Petterutti et al. Both references fail to disclose the elements of claims 1-39. USP 6,085,195 and USP 6,292,595 are cumulative to the cited art.

CONCLUSION:

Having amended the specification to correct informalities; provided a revised Abstract, not exceeding 150 words, amended the claims to overcome objections and clarified the invention with respect to the cited art, Applicants requests entry of the amendment, allowance of the claims and passage to issue of the case.

AUTHORIZATION:

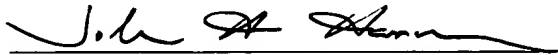
Applicants believe that no fee is due with the submission. However, the Commissioner is hereby authorized to charge any fees or insufficient fees or credit any payment or overpayment associated with this application to Deposit Account No. 50-0510, Order YOR92000301 (1963-7393). A duplicate of this authorization is attached for the Finance Branch.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Date: March 31, 2003

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